

**EMERYVILLE POLICE DEPARTMENT
ADMINISTRATIVE INVESTIGATION**

TO: Ken James
Chief of Police

FROM: Michael Fraser
Fraser Investigations & Consulting
4300 Black Avenue #33
Pleasanton, CA 94566

SUBJECT: ADMINISTRATIVE INVESTIGATION – EPD IA 14-02

Subject Officer

Officer Joshua Patterson (Serial Number: 356)

INTRODUCTION

On April 9, 2014 I met with Emeryville Police Chief Ken James and Police Commander Jeannie Quan at the Emeryville Police Department. At the meeting we discussed several alleged policy violations and possible violations of state law on the part of Emeryville Police Officer Joshua Patterson. I had been retained to conduct the administrative investigation(s) into the allegations and Officer Patterson's behaviors.

Background

Joshua Patterson was a municipal police officer with Draper City, Utah for approximately 2¼ years prior to being hired by the Emeryville Police Department on January 17, 2012. At Emeryville, Officer Patterson was assigned to the department's Field Training Officer (FTO) program. During the program Patterson was exposed to and trained on department policies and practices, which he was required to acknowledge and demonstrate his understanding. Copies of pertinent documentation of the Officer Patterson's initial training are attached (Exhibit 2A-I). He successfully completed the FTO program on or about May 12, 2012 and was assigned as a solo patrol officer.

Officers are provided access to the department's policy manual, the manual of rules and all general orders. Per the Emeryville Police Department Policy Manual § 106.1 and the Emeryville Police Department Manual of Rules § 02.00 (Exhibits 54 & 59 respectively), it is the responsibility of all Emeryville Police Department employees to be familiar with and conform to department policy, rules and regulations.

SUMMARY OF ALLEGATIONS

Emeryville Police Department Policy Manual

1. Officer Patterson failed to perform his fundamental duty of serving the community. Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics** (Exhibit 55).

2. Officer Patterson failed to behave in a manner that does not bring discredit to him or the agency. Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics** (Exhibit 55).
3. Officer Patterson failed to be honest in thought and deed in his official life. Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics** (Exhibit 55).
4. Officer Patterson failed to be exemplary in obeying the regulations of the department. Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics** (Exhibit 55).
5. Officer Patterson failed to notify the on duty watch commander and/or dispatch that he was outside the city limits of Emeryville on multiple occasions. Violation of Emeryville Police Department Policy § 426.1.2 - **Law Enforcement Activity Outside the City** (Exhibit 56).
6. Officer Patterson failed to record his daily activity through the use of voice transmissions. Emeryville Police Department Policy § 448.2.2- **Documentation of Activity** (Exhibit 57).
7. Officer Patterson failed to change status on multiple occasions. Emeryville Police Department Policy § 448.2.3 **Status Changes** (Exhibit 58).

Emeryville Police Department Manual of Rules

8. Officer Patterson failed to conduct himself in a manner as to reflect favorably upon him self, the City, the Department and the police service. Violation of Emeryville Police Department Manual of Rules § 5.01 – **General Conduct** (Exhibit 60).
9. Officer Patterson treated a citizen with discourtesy and disrespect. Violation of Emeryville Police Department Manual of Rules § 05.02 – **Conduct Toward Others** (Exhibit 61).
10. Officer Patterson was rude and used demeaning language when speaking with a citizen. Violation of Emeryville Police Department Manual of Rules § 05.04 – **Rude Conduct – Citizenry** (Exhibit 62).
11. Officer Patterson paid prostitutes for and engaged in sexual misconduct while on duty on several occasions. Violation of Emeryville Police Department Manual of Rules § 06.01e - **Prohibited Activities while on duty: Sexual misconduct** (Exhibit 63).
12. Officer Patterson transported female citizens in a department vehicle without first notifying the radio dispatcher of pertinent information on multiple occasions. Violation of Emeryville Police Department Manual of Rules § 08.05 - **Department Vehicles, Use** (Exhibit 64).
13. Officer Patterson failed to report his status and location at all times on multiple occasions. Violation of Emeryville Police Department Manual of Rules § 09.06 **Radio, MDT Discipline** (Exhibit 65).
14. Officer Patterson failed to cover a fellow officer on a traffic stop. Violation Emeryville Police Department Manual of Rules § 12.13 – **Responding to Calls** (Exhibit 66).
15. Officer Patterson failed to be truthful at all times whether under oath or not. Violation of Emeryville Police Department Manual of Rules § 13.05 – **Truthfulness** (Exhibit 67).

SYNOPSIS

<u>Date of Occurrence</u>	<u>Location</u>	<u>EPD Event/Case Number & Description of Incident</u>
February 2, 2014	30 th Street & Myrtle Street Oakland, CA	Citizen Complaint: Inappropriate Conduct

On February 2, 2014, Emeryville Police Dispatch received a transferred call by the Oakland Police Department, from Oakland resident [REDACTED] [REDACTED] wanted to lodge a complaint regarding the actions of an Emeryville Police Officer, whom he alleged was in Oakland while on duty and in uniform speaking inappropriately and unprofessionally to two female prostitutes. Later that evening, Sergeant Richard Lee called Mr. [REDACTED] and spoke with him about his concerns.

Sergeant Lee spoke with [REDACTED] at about 1742 hours and was told that [REDACTED] was leaving his residence located at [REDACTED] in Oakland when he noticed a police SUV parked at the corner of 30th Street and Myrtle Street in Oakland. He saw an officer, whom he described as a big bald white male, talking to two women whom he believed to be prostitutes. The area in and around 30th and Myrtle is known as the Track; a part of Oakland where prostitutes frequent. Initially, Mr. [REDACTED] thought the officer was conducting official business but later learned that he was having more of a social conversation with the women. [REDACTED] said his neighbor, [REDACTED] had overheard the three of them talking and she texted him with her concerns and the police vehicle number 0714.

Later that evening Sergeant Lee spoke with [REDACTED] by phone. [REDACTED] was hesitant to get involved, but described the two women that the officer was speaking with as prostitutes. From prior personal contacts, [REDACTED] stated she knows one of the women as "[REDACTED]". She has talked with her about soliciting sex in front of her home on several occasions. [REDACTED] told Sergeant Lee that the officer she saw at 30th Street and Myrtle Street in Oakland asked "[REDACTED]" what she was doing later that evening and told her to be careful because of the drunks that would be out. He then asked the second woman if she was working later that evening and stated that he would see her later. The second woman then hugged the officer; [REDACTED] thought it strange for an officer to be hugged by a prostitute.

Sergeant Lee checked department records and found that Officer Patterson was driving vehicle 0714, a Chevrolet Tahoe SUV, that evening. Later that shift Sergeant Lee wrote a memorandum to Commander Quan regarding the complaint (Exhibit 3).

The Emeryville Police Department Policy § 426.1.2 and Manual of Rules § 09.06 (Exhibits 55 & 65 respectively) require all but command staff to notify dispatch whenever they leave the city limits and obtain authorization from a supervisor prior to doing so. Sergeant Lee was the only supervisor on duty during the time of this incident and was not informed by Patterson that he was going to be outside of the city limits. The Unit Log History (Exhibit 4) for Officer Patterson on that day had no entry that indicated that he was out of the City contacting anyone in Oakland. The log shows that during the time Patterson was seen in Oakland his work status was "Avail". The dispatch radio and phone recordings from that evening were transcribed (Exhibit 5). A thorough review of the transcripts shows that Officer Patterson never advised dispatch that he was out of the City. The phone call from [REDACTED] begins on line 2463 on page 55.

Captain Diotalevi checked the department's informant files to determine if Patterson had been using any informants. Department policy requires an officer to register anyone he/she intends to use as a citizen informant with the Criminal Investigation Section (CIS) of the department. Diotalevi learned that

Patterson had no informants registered. A check with patrol supervisors was conducted and none had any knowledge that Patterson was developing informants or sharing beat information with the watches. Detective Jason Krinsky was assigned to identify the two women Patterson was seen hugging on February 2nd and learn as much as he could about their criminal history.

Officer Patterson would only drive department vehicle number 0714 when on duty. On March 14, 2014 Captain Diotalevi assigned Detective Edward Mayorga to place such an electronic tracking device on vehicle 0714. The tracker was active and monitored when vehicle 0714 was driven by Officer Patterson from March 14, 2014 through May 2, 2014. In all Patterson drove vehicle 0714 for 26 shifts during that time period. Sergeant Richard Lee was assigned to monitor Patterson's activity and vehicle movement.

Commander Quan provided me with documentation that had been assembled for the dates Officer Patterson worked beginning March 14, 2014 and ending May 2, 2014 (Exhibits 6-31). The documentation includes the following:

- Emeryville Police Department's Unit Logs for Officer Patterson,
- Reports that were generated through the electronic tracking software provider which include dates, times, speeds and locations of vehicle 0714 when driven by Officer Patterson, and
- Analyses of tracker reports completed by Commander Quan, that show the amount of idle time and the time and areas Officer Patterson frequented when outside the city limits (including mapping of travel outside the city limits).

A review of the data showed that Officer Patterson spent a significant portion of his available on-duty time outside the jurisdiction of the Emeryville Police Department; specifically in the area of the Track (south of Emeryville) and the north-western area of Oakland, which borders Emeryville and Berkeley. Both areas are known for prostitution activity. The Track is also where Officer Patterson was seen with the two prostitutes on February 2, 2014 as reported by [REDACTED].

The documents provided by Commander Quan indicate that Officer Patterson had developed a patrol pattern that frequently placed him in Oakland. On 21 of the 26 shifts, Patterson's vehicle was tracked as far as West Grand Avenue, Oakland. The shortest route to West Grand Avenue would be from 36th Street and San Pablo Avenue, more than one mile south of Emeryville and at least a 5 minute drive one way. The information gleaned from the documents indicates that Patterson didn't just drive straight to West Grand and turn around. He spent available patrol time in the Track area, without advising dispatch or obtaining authorization from the on duty watch commander.

The table below represents the information captured from the documents described above as it relates to the amount of time Officer Patterson had traveled outside the city without authorization or notification to dispatch during his 26 shifts. In all **Patterson was outside the City limits on average nearly 9% of each shift or nearly one hour for every 10 hours scheduled to work.** The percentage of time outside the city limits when compared to available patrol time was not calculated due to the suspension of the investigation, but it would have been significantly a higher percentage.

Days Worked with Tracker in Place

Dates	Days	Hours	Total Hours Scheduled	OCL Time	% of shift OCL*
3/14 - 15	Th-F	2000-0600	10	93 minutes	15.5%
3/16	Sun	1400-0001	10	128 minutes	21.3%
3/19 - 20	W-Th	2000-0600	10	175 minutes	29%
3/20-21	Th- F	2000-0600	10	5 minutes	.8%
3/21-22	F-S	2000-0600	10	6 minutes	1%
3/23-24	Sun - M	1400-0300	13	81 minutes	10.4%
3/26-27	W-Th	2000-0600	10	51 minutes	8.5%
3/27-28	Th-F	2000-1000	14	154 minutes	18.4%
3/28-29	F-S	2000-0600	10	55 minutes	9.2%
3/30	Sun	1400-0001	10	51 minutes	8.5%
4/2-3	W-Th	2000-0600	10	21 minutes	3.5%
4/3-4	Th-F	2000-0600	10	60 minutes	10%
4/4-5	F-S	2000-0600	10	13 minutes	2.2%
4/6	Sun	1400-0001	10	26 minutes	4.3%
4/9-10	W-Th	2000-0600	10	60 minutes	10%
4/13	Sun	1400-0001	10	5 minutes	.8%
4/16-17	W-Th	2000-0600	10	92 minutes	15.3%
4/17-18	Th-F	2000-0600	10	8 minutes	1.3%
4/18-19	F-S	2000-0600	10	39 minutes	6.5%
4/20	Sun	1400-0001	10	58 minutes	9.7%
4/23-24	W-Th	2000-0600	10	91 minutes	15.2%
4/24-25	Th-F	2000-0600	10	24 minutes	4%
4/25-26	F-S	2000-0600	10	39 minutes	6.5%
4/27	Sun	1400-0600	10	49 minutes	8.2%
4/30-1	W-Th	2000-0600	10	25 minutes	4.1%
5/1-2	Th-F	2000-0600	10	24 minutes	.4%
TOTAL TIME/AVERAGE PERCENT OF SHIFT			267 hours	1433 minutes (23.88 hours)	8.9%

* Percent of shift spent outside city limits. Available patrol time was not calculated due to the suspension of the investigation.

On Sundays the department often does not have enough marked patrol vehicles for each officer to drive during the first two hours of the night shift (1400-0001 hours). Two officers must ride together until an additional vehicle becomes available at 1600 hours. While the officers are riding together they are known as a "David Unit". On five Sundays, after the tracking device was installed on vehicle 0714, Officer Patterson and Officer Kyle Rice rode together in the SUV for approximately two hours at the beginning of each shift. Their unit identifier was 356D and Officer Patterson drove. The dates in which the two officers rode together were: March 16th, March 23rd, April 13th, April 20th, and April 27th.

The table below represents the information captured from the unit's logs and the reports generated through the electronic tracking device. On the dates listed vehicle 0714 was outside the city limits an average of 13.5% of the total hours scheduled or **31.4% percent of the unit's documented available patrol time.**

Days Worked as "David Unit" with Tracker in Place

Date	Days	Hours Worked	Available Patrol Time	Time OCL	Percent of AVAILABLE Time OCL	Percentage of shift OCL
3/16	Sunday	2	55 minutes	21 minutes	38%	17.5%
3/23	Sunday	2	60 minutes	17 minutes	28%	14.2%
4/13	Sunday	2	30 minutes	0 minutes	0%	0%
4/20	Sunday	2	59 minutes	31 minutes	52.5%	49.2%
4/27	Sunday	2	54 minutes	12 minutes	22%	10%
TOTALS/AVERAGES			258 minutes	81 minutes	31.4%*	13.5%*

* Average percentages calculated using only the five days with available patrol time and a shift length of 2 hours each day.

I mapped out the travels of vehicle 0714 when it was determined to be outside the city limits when it operated as a "David Unit". The documentation provided (Exhibits 7, 11, 21, 25 & 29) for the five days indicated that 365D spent a significant amount of its available patrol time in the Track without advising dispatch or receiving authorization from the watch commander. The maps and the attached timelines show that 0714 traveled between approximately .7 miles to nearly 3.5 miles outside the city limits at different times during four of the five days; the only days it had available patrol time (Exhibits 32 - 36).

On March 24, 2014, Officer Patterson was working overtime until 0300 hours. At about 0139 hours Officer Arnold Salaiz saw Patterson talking to a female at the bus stop on the 1000 block of 40th Street in Emeryville; soon after he saw Officer Patterson's vehicle leave the area at a high rate of speed and drive into Oakland. Later that evening Salaiz saw Patterson stopped in the 3800 block of San Pablo Avenue in Emeryville, about a quarter of a mile southwest of the previous location. He saw Paterson speaking with another female, who was leaning into the front passenger window of his vehicle. Officer Salaiz believed both of these women were prostitutes.

Officer Salaiz reported his observations and concerns to Sergeant Goodman, the watch supervisor. Goodman drove to the area and observed Patterson in his vehicle with a woman leaning into the passenger window of 0714. Patterson stayed in that location until about 0307 hours before returning to the station to go off duty. I was informed that it is unusual for Patterson to work overtime; and when he does, it is unusual for him to stay out any later than is absolutely necessary. Sergeant Goodman created a memorandum to Commander Quan that documented his conversations with Salaiz and his own observations (Exhibit 37). Both Officer Salaiz and Sergeant Goodman were interviewed on May 13, 2014. The essence of the interviews can be found below.

Commander Quan provided me with a Unit Log History for Officer Patterson from that shift which included the activity as reported to dispatch by the officer (Exhibit 38). The Log History has no indication

that Officer Patterson advised dispatch that he was off with either woman. The tracking device report shows that Patterson was stopped for eight minutes and five minutes respectively in the two areas Salaiz reported seeing him (Exhibit 11C). It is contrary to department policy and practices for an officer not to advise dispatch when he/she stops and/or makes contact with an individual while on patrol (Exhibits 57 & 65).

The data from the tracker reports provided insight into several additional areas of concern during the time period that it was in use. The tracker showed many instances where the vehicle wasn't moving at all for significant periods of time. Unit History logs indicate that Patterson failed to advise dispatch of these occurrences. Other times, the tracker showed the vehicle being driven during times when Patterson advised dispatch that he was out of his vehicle on a 10-60W (a walking security check). Finally, on at least one occasion Patterson drove vehicle 0714 in a circuitous route to get to a dispatched call for service. The route driven was over a mile longer than if he had taken the more direct route.

On or about the same date of the department initiating the first administrative investigation (EPD IA 14-01), Captain Diotalevi was assigned to open a criminal investigation into the possibility of Officer Patterson having an unlawful relationship with prostitutes. Diotalevi detailed his investigation in a crime report for soliciting a lewd act; report number 1407-2822 (Exhibit 39). Supplemental reports created by the following officers are attached to the report:

- Detective Jason Krinsky
- Sergeant Jason Bosetti
- Sergeant Kevin Goodman
- Officer Lance Goodfellow
- Sergeant Richard Lee
- Officer Edward Mayorga
- Detective Eric White

Beginning March 16, 2014, Captain Diotalevi authorized the use of a criminal informant (CI) through Detective Mayorga in an attempt to obtain information regarding Officer Patterson's relationship with prostitutes that frequent the area.

The informant told Detective Mayorga that she had overheard some of the prostitutes taking about having sex with Patterson in local motels. She also told him that when on the street with the prostitutes, she would see a police vehicle drive by and some of the prostitutes she was with would tell her not to worry that the officer was Patterson, intimating that there may have been a more than professional relationship between Officer Patterson and the prostitutes.

With the information received from the informant, the complaints from [REDACTED] and Officer Salaiz's, and Sergeant Goodman's observations Captain Diotalevi was able to secure a search warrant on April 9, 2014 that allowed him to place electronic tracking devices on Officer Patterson's personal vehicles (Exhibit 40). On April 11th Diotalevi received a second search warrant for Patterson's personal mobile phone which allowed him to collect information from the wireless provider for a period beginning February 2, 2014 through April 11, 2014 (Exhibit 41). Neither search warrant resulted in any information that would indicate that Officer Patterson had violated any criminal statutes.

Mayorga's informant told him that a prostitute known to her as [REDACTED] might have information regarding Officer Patterson's interactions with prostitutes and he requested that [REDACTED] secure a 14 year-old female for sex.

On May 2, 2014, during an administrative search of Patterson's department locker, [REDACTED] [REDACTED] phone number was found written three times on documents located in the locker. The phone number did not show [REDACTED] given name but two different monikers: [REDACTED].

Captain Diotalevi authorized Detective Krinsky to arrange a sting on [REDACTED] on April 17, 2014. [REDACTED] was arrested that evening for prostitution and possession of methamphetamine. Following her arrest she was interviewed regarding her relationship with Officer Patterson. She told the officers that she didn't know Patterson and has never had sex with a police officer. However, she agreed to work with them.

On April 18th Patterson was working in uniform and driving vehicle 0714. [REDACTED] was equipped with a concealed listening device (wire) and was placed on foot in the 6500 Block of San Pablo Avenue in Oakland shortly after midnight on April 19th. [REDACTED] was told that if Patterson stopped at her location she was to engage him in conversation. Additionally, if he offered her a ride, she was to tell him she needed a ride to the West MacArthur BART Station in Oakland. Within five minutes Patterson made contact with [REDACTED]. After a short conversation Patterson asked her if she needed a ride. [REDACTED] stated she did and Patterson was seen removing a bag from the front passenger seat. He had [REDACTED] sit in the front seat without pat searching her and drove off. After driving a few blocks Patterson advised dispatch that he was providing a ride to a female from the 5600 block of San Pablo Avenue to the BART station. Captain Diotalevi was one of the officers who followed Patterson and [REDACTED] to BART. While en route, he overheard Patterson tell [REDACTED] that she had a "nice ass" and that she had "small but nice titties; tits do not need to be big to be nice". Patterson asked her if she would unzip her jacket so he could see them. He asked for her phone number, which she gave him. After having been stopped at the BART station for a few minutes, [REDACTED] was seen leaving the patrol vehicle and Patterson drove off.

Patterson's Unit Log for that shift (Exhibit 24A) shows that at 0020 hours he advised he was off on a miscellaneous public service on 56th Street and San Pablo Avenue; approximately .8 miles south of his actual location but still outside of Emeryville's city limits. At 0022 hours Officer Patterson advised he was en route to West MacArthur BART. He arrived at 0025 hours and cleared at 0031 hours. The tracker report shows that he was stopped at 0018 hours and left the area of BART around 0037 hours.

After Patterson drove from the BART station, officers picked up [REDACTED] and later interviewed her. The interview was recorded and transcribed (Exhibit 68). [REDACTED] told the officers that Patterson said he hadn't seen her around and asked her where she worked. She told them that he complemented her on her derriere and her breasts. He asked her to unzip her jacket so that he could see her breasts. She said Officer Patterson asked her for her phone number, which she gave him.

On April 23, 2014 Captain Diotalevi, Detective Krinsky, Detective Goodfellow, Detective White, Sergeant Alton, Sergeant Goodman, Sergeant Lee and Sergeant Bosetti met with [REDACTED] at the Berkeley Marina. They provided her with the wire and at about 0005 hours on April 24th, dropped her off at the same location as they had on April 18th, San Pablo Avenue and 65th Street in Oakland. At about 0036 hours, Patterson was seen making a U-turn on San Pablo Avenue in vehicle 0714 and stop in front of [REDACTED]. After a short conversation [REDACTED] got into the front passenger's seat. Patterson drove to the 6400 block of Doyle Street in Emeryville, where he backed the patrol vehicle into the dead end north of Ocean

Avenue. The tracker indicates that Patterson was stopped in that area from 0041 to 0049 hours. During that time he was seen outside of the vehicle standing near the opened passenger's front door. [REDACTED] was still seated in the vehicle. Patterson then drove to the parking lot of St. Columbus Church, located at 6401 San Pablo Avenue in Oakland. He stayed in that area for approximately 5 minutes; Patterson then let [REDACTED] out of the car and drove off. The tracker report supports this information. The unit log shows that Patterson never advised dispatch that he was off with the woman at 65th Street and San Pablo Avenue or at either of the other two locations. There is no entry that shows that he advised that [REDACTED] was in the vehicle with him; a violation of department policy and practices.

Sergeant Alton picked [REDACTED] up and drove to the Berkeley Marina, where they met with Captain Diotalevi. Diotalevi debriefed [REDACTED] and was told that prior to Patterson stopping and picking her up she saw him driving a female toward Berkeley. There is no record of Patterson advising dispatch that he had anyone in his vehicle prior to meeting with [REDACTED]

[REDACTED] told the officers that once she got into the vehicle, Patterson drove her to a dead end road, got out of the car and opened her door. She told the officers that she was scared because it was a very dark area and she wasn't certain what Patterson had in mind. She said that Patterson asked her how much she charged or sex and she told him. He told her that he didn't want to do it while on duty. She then said Patterson closed her door and drove her to the church parking lot and parked. She stated that Officer Patterson told her that she was too pretty to be a prostitute and couldn't stop thinking about her since their earlier encounter. A while later Patterson drove her to San Pablo Avenue and dropped her off.

According to Patterson's Unit Log (Exhibit 26A), he never advised dispatch that he was contacting [REDACTED] at 65th Street and San Pablo. In fact his log indicates that at 0036 hours, the time he contacted [REDACTED] Patterson had cleared an event at 40th Street and Emery Street. The next log entry was not until 0056 hours when he logged a security check at 1100 47th Avenue.

On May 2, 2014 Chief James placed Officer Patterson on paid Administrative Leave, pending the outcome of this and an earlier investigation (EPD IA 14-01). On that evening at 2000 hours Captain Diotalevi informed Patterson that he was going to conduct a locker search; Officer Patterson was present during the search. Diotalevi seized several 3X5 Cards and other papers that had the phone numbers and other identifying information of a number of different women (Exhibit 1). Detective Krinsky was assigned to attempt to locate the women and determine if they had criminal records, particularly involving prostitution. Krinsky found that many of the women in fact have criminal records which include prostitution. Many also were found to have Myredbook.com accounts. Myredbook.com was an internet web site that catered to in-call/outcall escorts and masseuses. In June 2014, the FBI seized the domain name and closed down the site for allegedly facilitating prostitution. Of the women identified, Detective Krinsky was able to obtain photographs of 18 of them, through the CA DMV, CRIMS and/or the Myredbook.com sites (Exhibits A-R); all of the women are adults.

On May 5, 2014 Captain Diotalevi and Detective Krinsky began attempting to locate and interview the women whose names were on the documents found in Patterson's locker. The officers were only successful in contacting 11 of the women. None of the women contacted stated they had ever provided Officer Patterson with criminal or beat information; neither did they admit to having sex with him. A few did state that they had heard that he has had sex with other prostitutes, but those allegations could not be confirmed. The following are synopses of the interviews with the women:

On May 15, 2014, Detective Krinsky arranged to meet [REDACTED] through her Myredbook.com page. During that meeting she was shown a photo of Officer Patterson and she told Detective Krinsky and Captain Diotalevi that she knows him but has only spoken to him on a couple of occasions. She said at one time she had asked him for a ride to a restroom at the Alaska gas station in Emeryville, which he provided her. She also told them that she had asked Patterson to run her for warrants. She thought she might have an outstanding warrant from Fairfield.

[REDACTED] also told the officers that she had heard a Caucasian prostitute that Officer Patterson and she had sex about two months earlier. [REDACTED] said she asked Patterson if it was true but he denied it. [REDACTED] did not have the woman's name. The interview with [REDACTED] was recorded and transcribed (Exhibit 69).

Later that same day Krinsky and Diotalevi met and interviewed another woman whose name was found on Patterson's cards, [REDACTED]. After learning that [REDACTED] had a Myredbook page, Detective Krinsky arranged to meet Sevier under the pretense of paying for sex. The interview was recorded and transcribed (Exhibit 70). [REDACTED] admitted to being a prostitute and was shown a photograph of Patterson. The interview was disjointed and [REDACTED] responses to the officers' questions were not always coherent. She told them that she had contact with Patterson on two occasions, the first about mid-April of this year and a second time around the end of April. She described the first meeting when she was walking on the street after an altercation with a man named [REDACTED]. Patterson drove past her then initiated a U-turn and stopped to ask if she was alright. She said she wanted to go to her apartment so he had her sit in the back seat of the patrol car. When they arrived at the apartment, [REDACTED] was present and she told Patterson that she wanted to leave. They returned to the patrol car and left. She said she fell asleep in the back seat and awoke about an hour later. She had Patterson drop her off at McDonalds, where he asked her for a hug. [REDACTED] said the hug was more than a friendly embrace. He asked for her phone number and she gave it to him. She told the officers that he never called or texted her.

She then went on to explain that on the second occasion she didn't actually speak with Patterson. She was with a woman that she only knew as [REDACTED]. Patterson drove by and she waved at him. [REDACTED] asked her how she knew him. [REDACTED] told her that Patterson picks up girls and pays for sex. Later in the interview she indicated that she had that conversation with [REDACTED] the same day Patterson picked her [REDACTED] up.

On June 10, 2014 Captain Diotalevi, Detective Krinsky and Detective Mayorga made personal contact with [REDACTED]. [REDACTED] name was also on Patterson's documents and is one of the women that he was seen talking to and hugging on February 2, 2014 at 30th and Myrtle Streets in Oakland. [REDACTED] told the officers that she has seen Patterson on approximately 15 occasions; first meeting him around November 2013. She said that on one occasion he stopped to talk with her and another woman. The other woman gave Patterson a hug, so she thought it was okay and she hugged him as well. She said that was the only physical contact he has had with Patterson. However, as the interview progressed she said she had hugged Officer Patterson two or three times. She did admit to giving him her phone number and flirting with him on another occasion; she said he also asked her if she was on Myredbook, but he never called her. [REDACTED] told the officers that her good friend, [REDACTED] told her sometime in January or February 2014 that she had "dated"

Patterson. She said that [REDACTED] told her that she told Patterson to meet her around on a back street one evening and they "dated". He paid her \$50 and that he was "well endowed". [REDACTED] interview was recorded. The transcript is attached (Exhibit 71)

On June 16, 2014 Detective Krinsky and Captain Diotalevi contacted [REDACTED] on the street in the 2200 block of San Pablo Avenue. Brown told the officers that she hadn't seen Patterson in two years and when told that they didn't believe her, she said she didn't want to talk to them about Patterson.

[REDACTED] contacted Captain Diotalevi by phone on June 27th. She told him that the only contact she has had with Patterson was during a traffic stop. He issued her a ticket and searched her car. She said she doesn't like Patterson and has never "dated" him. She admitted to having had a Myredbook account and doesn't know why Patterson had her information written down.

The same date that Diotalevi spoke with Roberson, he and Detective Krinsky met with [REDACTED] at her home. [REDACTED] told the officers that she first met Patterson two years prior while she was working as a prostitute. She said he was a "big flirt" and tried to date her the first night they met. Patterson was not in uniform and not driving a marked police vehicle at the time. She said that he had tried to rent a room at a motel on San Pablo Avenue, but it was full. While Patterson was attempting to rent the room, other prostitutes had told her that he was a police officer, but there was nothing to worry about. She said that Patterson gave her \$50 that evening, but they did not have sex.

[REDACTED] said that at another time, around Easter of 2013, Patterson was in uniform and driving a marked police vehicle. He stopped and got out to speak with her. He said he was off duty at 0600 hours and took hold of her hand. Patterson gave her \$20 and said he always thinks about her and her long legs. [REDACTED] said that other prostitutes have told her that Patterson had paid them \$200 for a "date". However she couldn't provide any information that would allow the officers to corroborate her story. [REDACTED] interview was recorded. The transcript is attached (Exhibit 81)

Krinsky and Diotalevi showed a photo of Patterson to the manager of the motel where he had allegedly attempted to rent a room. The manager said he did not recognize person in the photo.

On July 14, 2014 Captain Diotalevi called [REDACTED]. [REDACTED] told the captain that she remembers Patterson had given her cousin a ride to her home after her vehicle broke down. [REDACTED] said that she thought Patterson was professional and good looking so she gave him her phone number. She didn't indicate that he had ever called her.

Captain Diotalevi spoke with [REDACTED] over the phone on July 15th. After describing Patterson to her, she said she knew who he was talking about and that he drove a police SUV. She said she met him at 32nd and Brockhurst in Oakland and thought it odd that an Emeryville police officer would be in that area. She recalled that it was around Christmas last year. She was working that evening when several males were bothering her. Patterson drove up and offered her a ride. While in the car she said that Patterson was flirting with her. She gave Patterson her phone number and he said he would like to take her out for lunch. She said she couldn't say if Patterson ever called her, as her phone broke the following day. She had seen

him a few more times in the same area but he only waived at her, never stopping to talk with her.

July 21, 2014, Detective Krinsky spoke with [REDACTED] by phone. [REDACTED] was listed on the documents found in Officer Patterson's locker. Next to her name he had written what appears to be a date of birth [REDACTED] and the words small, young. [REDACTED] was called by Detective Krinsky and the conversation was recorded and transcribed (Exhibit 72) had no information relative to this investigation.

On 07/30/14, Diotalevi and Krinsky made contact with [REDACTED]. She was shown a photograph of Officer Patterson, but she stated that she did not recognize him and didn't know the name. [REDACTED] told the officers that she worked at Kentucky Fried Chicken in Emeryville a couple of years ago and that an Emeryville Police Officer took a report from her regarding a person jumping over the counter; otherwise she has not had any other contact with the Emeryville Police.

Captain Diotalevi and Detective Krinsky had attempted to contact [REDACTED] on several occasions, but were not having any success. Finally, on 08/07/14, Dean called Diotalevi and told him that she does not know why the Emeryville Police were "Messing with Officer Patterson". She said that the word on the street is that the department was investigating Patterson for rape. Diotalevi informed her that wasn't the case and that he just wanted to speak with her about the relationship between Patterson and her. [REDACTED] told the captain that Patterson is a good guy and has helped her out on a couple occasions. [REDACTED] agreed to meet Diotalevi at the police department the following day, but never showed up.

On August 18, 2014, an Emeryville Police Officer had two auto burglary suspects detained. Detective Krinsky, Detective Goodfellow and Captain Diotalevi responded to the area. While there, a group of individuals approached the officers and struck up a conversation. One of the women was identified as [REDACTED] (she didn't provide her given name). [REDACTED] and a second female, who was not identified, told the officers that they both had contact with Patterson in the past. The unidentified female told them that Patterson is "a creepy guy" and that he was stalking [REDACTED]. [REDACTED] said that Officer Patterson tried to give her money, which she said she didn't accept and he has also followed her to her home on an occasion. [REDACTED] said that she has only had a few contacts with Patterson, but he made her nervous and scared her. She denied ever having sex with him. [REDACTED] was not one of the names found in Patterson's documents. Detective Krinsky later learned that [REDACTED] real name is [REDACTED].

On July 8, 2014 Officer Patterson was interviewed by Commander Quan and I regarding the earlier investigation (EPD IA 14-01) and a portion of this one (EPD IA 14-02). It was our intent to bring Officer Patterson back for a second interview once all of the tracker information could be analyzed and the criminal investigation was complete. The essence of Patterson's interview can be found below; a transcript was made and is attached (Exhibit 80).

On August 18, 2014 Officer Kyle Rice was interviewed about his knowledge as it related to the time he and Patterson spent outside of the City when working as a David Unit and Officer Patterson's interactions with prostitutes. The essence of the interview can be found below; a transcript of the interview is attached (Exhibit 79).

On September 4, 2014 Officer Patterson tendered his resignation and resigned effective September 12, 2014. The intended follow-up interview was not conducted and this investigation has been suspended.

STATEMENT - COMPLAINANT

██████████
████████████████████
██████████
██████████

On April 11, 2014 at approximately 1505 hours, I along with Commander Quan and Detective Jason Krinsky, met with ██████████ at the Emeryville Police Department. The intent of the meeting was to interview ██████████ about his observations on February 2, 2014. Detective Jason Krinsky was invited to the interview in case ██████████ had any information regarding prostitution within the jurisdiction of Emeryville. The interview has been transcribed and is attached (Exhibit 73).

██████████ called the Oakland Police Department on February 2, 2014 to speak with someone regarding an Emeryville Police Officer who was speaking with a known prostitute in the area of his home on Myrtle Street and 30th Street in Oakland. He was transferred to the Emeryville Police Department and eventually spoke with Sergeant Rich Lee. ██████████ told us that he was leaving his home when he saw a police officer in a suburban type vehicle. The officer was "bantering" with two prostitutes. He thought that the officer was doing some form of outreach. He said he was happy to have a law enforcement presence there; as prostitution in his neighborhood is an ongoing problem.

A while later on the 2nd, his neighbor, ██████████ called saying that she saw a police officer in a big police vehicle "totally chatting up the prostitutes". She lives in the same building as ██████████ but at the opposite end. She explained to him that she was at the window listening to everything being said by the officer and prostitutes. ██████████ was supposed to accompany ██████████ to the interview to provide a detailed statement, but ██████████ said that she had a change of heart. He said that ██████████ told him that she was nervous about speaking with the police.

During the interview, ██████████ explained that he initially assumed the officer was an Oakland police officer, but Amy told him it was an Emeryville officer. He described the officer as being "a bigger guy" with blonde hair; about 6'3–6'4' and weighed about 220-230 lbs. Commander Quan showed ██████████ a calendar depicting an array of photos of various members of the police department, including Officer Patterson (Exhibit 42). ██████████ studied the photos and pointed to the photo of Patterson and then another officer in the lower left hand corner. After a short period of time, he indicated that he couldn't be certain, but felt that ██████████ might be able to identify the officer through the photos. Quan later showed ██████████ a photo of Officer Patterson (Exhibit 43), but again he wasn't certain if that was the officer he saw.

██████████ said that on February 2nd, when he returned a couple hours later the officer was no longer in the area. He said that ██████████ had communicated in some way with ██████████ about what she had overheard. ██████████ are business partners and live together. ██████████ said he called ██████████ and spoke with her. He wanted her to call the police and provide what information she had about the incident. She told him at that time that she was worried then about potentially "being on the bad side" of the police department.

██████████ said that ██████████ windows open right at the sidewalk. He said that she keeps her window open and they are at head level of people outside. I had ██████████ sketch the area of his home and where he saw the officer and the prostitutes (Exhibit 44). ██████████ said that over time, ██████████ has had conversations with one of the prostitutes. She is known to her as ██████████. He stated that ██████████ told ██████████ to call the police about her activities; they can't touch her. ██████████ said that ██████████ took that to mean that the woman had connections with the police department.

██████████ is certain that the women the officer was talking to are prostitutes. He has seen women in the area being picked up and dropped off at the corner regularly. He indicated that it is an area that is known for prostitution. Referring to ██████████ said that she is persistent; she has been there for as long as he has lived in the area. He has confronted her and she has told him that she just lives down the street and that they are neighbors.

Commander Quan showed ██████████ three photographs of women (Exhibits 45, 46 & 47) and before she had an opportunity to finish her inquiry he pointed to a photo of a woman later identified to me by Detective Krimsky as ██████████. ██████████ dated and initialed the photograph of Smith (Exhibit 45). He could not identify the other women. He said that ██████████ is the one who is always there; she is very "mouthy". She wears glasses and different wigs.

Martin had not seen the vehicle or the officer in the area since February 2, 2014.

STATEMENTS – CITIZEN WITNESSES

██████████
██████████
██████████
██████████
██████████

On April 11, 2014 at approximately 1605 hours, I along with Commander Quan and Detective Krimsky placed a call to ██████████. The interview has been transcribed and is attached (Exhibit 74).

██████████ told us that he and ██████████ left their home on February 2, 2014. They drove down 30th Street and saw a large police "SUV truck" parked next to the sidewalk. Initially they both thought it was good to see a police car in the neighborhood. ██████████ saw an officer speaking with a prostitute. He stated that the SUV definitely had the words Emeryville Police on it. He said the words Emeryville Police was very obvious, they were blue on white. He had never seen that vehicle in the neighborhood before.

██████████ described the officer as very tall; approximately 6'5". He said the officer was stocky or muscular with short hair, almost bald. ██████████ estimated the officer's weight to be about 100 kilograms (220 lbs.). Once dropping ██████████ off, he returned home about 10 minutes later. The officer and the two women were no longer in the area. ██████████ has often seen one of the two women in the area before.

Later that day, ██████████ engaged in a text exchange with ██████████ his neighbor. He said her message indicated that the officer was talking to the prostitute about how long she was going to be out that day. ██████████ told him that she was concerned to hear that an officer was "hitting on" a prostitute. She told him

that she was behind the window and they didn't see her; and she heard the whole conversation. I asked if he knew [REDACTED] last name and he said it is [REDACTED]

The next time he saw [REDACTED], they spoke again about the incident. She asked him what she should do about it. He suggested that she call the police department, but she was very concerned about getting involved. [REDACTED] stated that he would talk with [REDACTED] again and encourage her to speak with us.

[REDACTED] said that he has only seen the police vehicle and the officer in the neighborhood that one time. However, he felt he would be able to identify the officer from a photo.

On April 23, 2014 I met with [REDACTED] at the Emeryville Police Department. The purpose of the meeting was to show photos of Officer Patterson and possible prostitutes who may have been engaged in the conversation with him. I showed [REDACTED] photos of four different women (Exhibits 46, 47, 48 & 49). He immediately removed photos of two (Exhibits 47 & 49) and said that they were definitely not either of the women. He said of the remaining two he was having a difficult time identifying either one as one or both of the women he saw with the officer on February 2nd. After several minutes he removed another photo saying that he didn't believe she was there either (Exhibit 46). The remaining photo was of [REDACTED] - Exhibit 49); it was a reproduction of the photo identified by [REDACTED] without his signature. Eventually, [REDACTED] said that he didn't believe she was the woman he saw either, but said that from the picture it was a good representation of the women who frequent that area. [REDACTED] said that the woman, who is mouthy, wore different colored wigs and clear glasses. None of the photos I had depicted a woman wearing either.

I showed [REDACTED] a photocopy of the Emeryville Police Department calendar (Exhibit 42) that has photos of various department staff members. Patterson is shown on the right side in the middle of the page in a baseball cap. [REDACTED] initially pointed at Patterson's photo and said that it looked like the officer he had seen talking with the women. Then he looked to the left side and pointed to another officer with close cropped hair standing with several other officers who was taller than the others. He said that he felt that officer could also be the one he saw. I then showed him two additional photos of Officer Patterson. One was an enlarged black and white copy of the photo in the calendar (Exhibit 50) and the other was one provided to me by Commander Quan that was taken of Patterson when he was a police officer in Utah (Exhibit 43). [REDACTED] couldn't identify Patterson as the one he saw on February 2, 2014 from either photo.

While speaking with him, I asked that he take a look at the police vehicles parked in the back lot of the police department. He said the car was a large white SUV with the Emeryville Police logo on the side. I informed him that there were only two SUVs that EPD owned and both were black and white. He said that his neighbor, [REDACTED] texted him the vehicle number and pulled out his iPhone. In the text from [REDACTED] was vehicle number 0714. Screen captures of the texts between him and [REDACTED] on the February 2nd are attached (Exhibit 51). He then saw the large SUV in the back lot and said well that must have been the vehicle he saw as it bared the number 0714. He said that the texts were sent the same day and shortly after [REDACTED] had seen the officer. I had him slide the text to the left of the screen to reveal the time the text was sent. I noted that it was sent at 4:22 p.m. I confirmed once again that this text was sent the same day and only a short time after he had seen the officer and he said that was correct.

Following my meeting with [REDACTED], Commander Quan provided me with documentation from the Alameda Consolidated Records Information Management System, the National Law Enforcement Telecommunication System and an Emeryville Police Field Interview report – F13E-00410 (Exhibit 52)

regarding [REDACTED] criminal history, known aliases and several thumbnail booking photos. [REDACTED] has been arrested on a myriad of charges which include prostitution. One of the booking photographs of [REDACTED] dated 1/14/2009, depicts her wearing clear glasses.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] called to speak with Sergeant Lee on the night of February 2, 2014. She didn't want to give any personal information other than her first name and telephone number. The conversation between Sergeant Lee and [REDACTED] was not recorded, but is documented in a memorandum from Sergeant Lee to Commander Quan (Exhibit 3).

It was decided that Sergeant Lee would attempt to contact [REDACTED] again to see if she would be willing to give a more detailed statement and if she could identify the officer or any of the women she saw on the February 2nd, by viewing some photographs. I asked Sergeant Lee to record the conversation, which he did (Exhibit T – CD Recording of Interview); it was subsequently transcribed (Exhibit 75).

Sergeant Lee called [REDACTED] on May 15, 2014 at about 2045 hours. She agreed to speak briefly with the sergeant about the incident, but was hesitant to become any more involved. She told Lee that there is a lot of prostitution in the area and she heard loud voices on the day in question. She looked outside and saw a police car on the street and was surprised to see that the officer was from Emeryville. [REDACTED] told Sergeant Lee that the police car was a black and white SUV and it was clearly marked with Emeryville Police.

Although the officer was not from Oakland, [REDACTED] expected that he would have at least had the women leave the area. Instead it appeared that they were having a very friendly exchange. She said they were kind of laughing and joking around. At one point one of the women approached the officer and gave him a hug. She described that woman as gaunt, dark skinned and younger than the other woman. She described the other woman as older; in her early to mid-thirties. She said she knows the older woman as [REDACTED] from the area and said that her complexion was more of a cappuccino tone.

[REDACTED] said that the officer seemed uncomfortable, but let the younger woman hug him anyway. She likened it to being at a bar and someone was making an advance that you didn't expect, but you aren't going to do anything about it.

When asked to describe the officer she said he is Caucasian and stout. She estimated his age as being between 20s and 40s. She went on to say that he had short strawberry blonde hair; it wasn't shaved, but close-cropped; maybe starting to bald. [REDACTED] didn't see any exchange of money or other items, but she recalls the officer told the women that he would see them later.

[REDACTED] indicated that this incident has given her concerns and said that when she would see a police officer prior to that date, she would acknowledge them with a smile. At this point she doesn't feel comfortable doing that any longer.

Sergeant Lee asked [REDACTED] if she felt that she could identify the officer and women from photographs. She said that she likely could, but she was nervous about getting involved. She said that she doesn't want to

be in a position where she is causing any issues for a local police officer or people who she interacts with on a daily basis.

████ said that she is attuned to body language between people. She said that she has an impression that the relationship between the officer and the two women is a lot friendlier than she would have expected. She was confused enough that she told the neighbors what she saw. █████ agreed to think about meeting with Sergeant Lee at a later date to look at photos. Lee told her he would call her the following Sunday. Sergeant Lee has called █████ and left messages, but has not received a call back.

STATEMENTS - WITNESS OFFICERS

Each of the following officers were read admonitions prior to and at the close of each interview. Copies of the admonitions are part of the attached transcript exhibits.

Sergeant Richard Lee

On May 5, 2014 I met with Sergeant Richard Lee interview him regarding possible policy violations on the part of Officer Joshua Patterson.

Sergeant Lee recalled that February 2, 2014 was Super Bowl Sunday. He received a message from dispatch to call █████. Upon doing so, █████ told Lee that he lived in the area around 30th and Myrtle Streets in Oakland. He said that there is a lot of prostitution in his neighborhood and not much of a police presence. Around 1700 hours he was leaving his residence to go to Pak and Save in Emeryville. He saw a police SUV parked at the curb and an officer was speaking with two prostitutes. He described the officer as a white male, muscular and bald. He originally thought the officer was dealing with the prostitutes. Later he learned that █████ his neighbor was concerned about the Emeryville Officer's activity. Amy gave him the number of the SUV 0714. She told him that the comments made to the prostitutes were in appropriate.

Lee asked █████ to have █████ call him. Later that evening █████ called and told the sergeant that she was confused and dismayed with the conversation she overheard between the officer and the prostitutes. She felt his actions were inappropriate. █████ said that she knows one of the prostitutes, █████. She told him that she speaks with █████ on a daily basis trying to dissuade her from hanging around her home. She told Sergeant Lee that the officer asked the women "Are you working tonight? Are you going to be out later tonight?" The officer told the women to be careful because there was going to be a lot of drunks out later that evening. The Officer said he would see one of the women later that evening. She said she couldn't hear any more than what she told. The unnamed prostitute was seen by █████ hugging Officer Patterson, █████ indicated that she was confused because it seemed as if he was encouraging them to be out there and she felt his job was to discourage prostitution.

████ gave him the description of █████ as being well-dressed, wears glasses, light mocha skin color with freckles and wears different colored wigs. The second woman was described as having darker skin complexion and older with a muscular build.

Sergeant Lee told me that it is not common practice for officers to go as far as 30th and Myrtle streets; outside the city limits. If an officer intended to leave the City, he/she is required to contact a sergeant, ask permission to leave the City, and notify the sergeant for the reason. Additionally, the officer would

be required to notify dispatch. On February 2, 2014, Lee said that Patterson didn't ask permission and did not notify dispatch that he would be outside city limits.

Lee told me that prostitution is not a significant problem for Emeryville. However, if an officer decided to use a prostitute as an informant, he/she would be required to notify a supervisor and the Criminal Investigations Section (CIS) sergeant. Patterson did not talk to him or the CIS supervisor. Lee said he believed at the time the CIS supervisor was Sergeant Diotalevi (now Captain Diotalevi).

Sergeant Lee documented the telephone complaints in a memorandum to Commander Quan dated February 2, 2014 (Exhibit 3).

The interview with Sergeant Lee included discussions regarding an earlier investigation (EPD IA 14-01). The information related to the earlier investigation has been redacted from the attached transcript for clarity of the issues associated with this investigation (Exhibit 76).

Officer Arnold Salaiz

On May 13, 2014 I met with Officer Arnold Salaiz at the Emeryville Police Department to interview him regarding his observations on March 24, 2014.

Officer Salaiz said that when he was en route to cover another officer on a traffic stop. Salaiz said he was traveling southbound on San Pablo Avenue when he noticed Officer Patterson in the 1100 block of 40th Street, just east of San Pablo Avenue. Patterson was outside his car talking to a black female at a bus stop. Salaiz told me that Patterson had never advised dispatch by radio that he was talking with the woman. He said generally, an officer will advise dispatch by radio that he/she is contacting an individual. Also Patterson was closer to the officer who was making the traffic stop and he felt that Patterson should have stopped talking to the woman and taken the cover assignment.

Salaiz said that he believes that the woman speaking with Patterson was a prostitute. He has, on several occasions, been contacted by prostitutes who have mistaken him for Patterson. They are both similar in size and like to wear hats. So, at times prostitutes will see him drive by and flag him down. When he pulls up they have said that they thought he was Officer Patterson; every now and again, they will ask if Patterson was working. Salaiz said that it is unusual for a prostitute to flag down an officer; they usually try to avoid the police.

While Salaiz was out of his vehicle covering the other officer, around the 3600 block of San Pablo Avenue (the most southern edge of Emeryville), he saw Patterson drive past him at about 40 mph in the 30 mph zone, without his emergency lights on. He said traffic was light at that time of night, but officers generally abide by the speed limit unless they are trying to catch up to someone. He waited expecting to hear Patterson on the radio advising as to what he was doing or where he was going, but that never occurred. He said that when an officer leaves the City, they are supposed to advise dispatch by radio that they are doing so. Salaiz watched Patterson's taillights until he could see them no more, which was around the 2800 block of San Pablo Avenue in Oakland (approximately 1 mile out of Emeryville).

Clearing the traffic stop, Officer Salaiz was annoyed that Patterson didn't clear his stop with the woman and offer to cover the other officer. He decided to speak with Sergeant Goodman about Patterson's behaviors. Goodman asked him to provide him with some notes about his concerns.

Later that evening Salaiz again saw Patterson speaking with another black female this time at a bus stop in the 3900 block of San Pablo Avenue. He did not hear Patterson advise by radio that he was with the woman. Patterson's car was stopped partially in the roadway. The woman appeared to be younger than the first between 18 and 20 years-old. She was standing in the roadway at Patterson's car passenger window talking to him. Salaiz made a U-Turn at the border of Oakland and Emeryville and drove by Patterson a second time. Neither Patterson nor the woman appeared to have seen him. When Salaiz gave Goodman the notes, he told the sergeant of his second observation of Patterson. He said he believed Goodman told him that he also saw Patterson with the woman.

I asked if Salaiz had ever seen Patterson lose his temper when dealing with anyone and he said that he has seen him get frustrated. He said it isn't hard to miss as Patterson's face turns red. Sometimes he will walk away and through his hands up saying that he can't deal with it. He said he hasn't seen him use excessive force, but he said Patterson does seem to be short-tempered. Salaiz said he has heard from other officers that it is obvious that Patterson wants things done in a particular manner. One example told to him was when an officer was running a VIN on the computer rather than over the radio. Patterson, who was covering the officer, told him that he needs to run the VIN over the air; he doesn't like it when the VIN isn't run over the air.

He said that Patterson definitely comes across as an "Alpha Male". There had been a couple of times when Patterson has covered him on calls and Patterson has tried to take over. Salaiz said that he has had to "set him straight". He also told me that when he was the primary officer on calls, Patterson has tried to dismiss them as not being crimes, but once Salaiz delved deeper into the calls he found that Patterson was wrong and crimes had been committed. In his opinion Patterson doesn't like to write statements or supplemental reports. A transcript of this interview has been attached (Exhibit 77).

Sergeant Kevin Goodman

On May 13, 2014 I met with Sergeant Goodman regarding possible misconduct on the part of Officer Patterson. Sergeant Goodman told me that on March 24, 2014 he met with Officer Salaiz who came to him with concerns regarding Officer Patterson. At first Salaiz was reluctant to say anything, but he eventually he told him that he had seen Patterson speaking with a young black adult woman on the 1000 block of 40th Street, while Salaiz was en route to cover Officer Sramek. While on the cover, he saw Patterson drove by southbound on San Pablo Avenue at about 40 mph. Goodman remembers Salaiz telling him that he lost sight of Patterson somewhere around south of 27th Street and San Pablo Avenue.

Later that same morning, around 0230 hours, Salaiz found Sergeant Goodman and told him he saw Patterson stopped in the number two southbound lane in the 3800 block of San Pablo Avenue speaking with another black female, who was leaning in the right front passenger window talking to Patterson. Goodman drove directly to the area and saw a black female leaning into the window of Patterson's patrol vehicle. He believes the woman was a prostitute.

The woman looked into Goodman's direction and immediately stepped away from the car. Goodman drove around the block and when he got to San Pablo Avenue he saw that the woman was again at the passenger's side window of Patterson's vehicle. Goodman said that this took place at around 0300 hours, the time when Patterson was supposed to be off duty. About 0308 hours the conversation ended and Patterson drove back to the police department.

Sergeant Goodman said that there's nothing unusual about an officer talking to a woman at a bus stop, as long as he is doing his/her job. However, Goodman told me that he already knew about the pattern of conduct and that an investigation was underway. He has not talked with any of the officers about that and so couldn't say why Salaiz was concerned, but he felt that it was obvious that the situation made Salaiz uncomfortable.

He said that there has been some talk among the officers about the time spent south of the border and then north of the border where the prostitutes congregate. Goodman confirmed that when an officer leaves the City, he/she is required to notify the supervisor and dispatch. The evening of the 24th, Patterson did not speak to him about leaving the City. He went on to say that everyone will wander a block or so into Oakland from time to time and not advise that he/she is out of the City, but to go past 34th Street he and all the other sergeants want to know, "because we get paid to work within our borders".

The sergeant told me that anytime an officer makes contact with someone or initiates any kind of activity, he/she is required by the General Orders to advise dispatch, for officer safety and it lets everyone know where the officer is and what he/she is doing. Goodman said that Patterson made no such advisement of either contact that morning. A transcript of the interview with Sergeant Goodman is attached (Exhibit 78).

Officer Kyle Rice

On August 18, 2014 at approximately 1410 hours, Commander Jeannie Quan and I met with Emeryville Police Officer Kyle Rice at the Emeryville Police Department. Officer Rice was interviewed as a possible witness in this investigation of alleged misconduct by Officer Joshua Patterson.

Officer Rice told us that he is close to Officer Patterson as far as work is concerned, but they do not socialize off duty. They often pair up for the first couple of hours of shift on Sundays as a "David Unit" (two officers in one car) when there weren't enough cars to go around. He said that Patterson preferred to drive the SUV and always drove when they were working together.

As a solo patrol officer, Rice stated that he has a regular patrol pattern, which he likes to change every couple of days. He stated usually on his first day back from days off, he would start his shift at the north end and then go down south. When the City gets busy, he said he likes to be more visible in the populated areas; a lot of the shopping areas. When he works night shift he gravitates toward the south end of Emeryville because there are a lot more people are out and active.

Based on their working relationship Officer Rice said that he and Patterson had an agreement to cover one another when necessary. Rice told us that they would text each other when they planned on being in a certain area of the City to conduct enforcement activity, so that the other would know his location. He said that they would text one another using personal cell phones, since Patterson's vehicle is not equipped with a computer.

Officer Rice said that when an officer is making an enforcement stop or on a detail which requires cover it is expected that the cover officer would respond as quickly as possible. Unless it was an emergency situation, the officer should take the most direct route without delay, while obeying all traffic laws. In reference to cover situations, I asked Rice if he recalled being on stops in which expedited cover was not required or requested, yet Officer Patterson would race to his location at speeds greater than the speed

limit. He said that he has noticed Patterson driving fast on occasion to cover him. He knows this because he has seen Patterson arriving at a high rate of speed, or could hear his tire screeching and/or the motor of his vehicle racing over the radio as he advised he was en route to cover. He said that there were times when he felt it was unnecessary for Patterson to drive in that fashion, but he had never spoken to him about it.

Commander Quan asked Rice to describe the team dynamics of Team 5. He responded by saying that when he was first assigned to the team, it was obvious that Patterson and Officer Malec didn't get along very well. He said that prior to being assigned to Team 5 he witnessed a situation at Target between Patterson and Malec. He said that Patterson was the primary officer on a call for a theft from Target and Malec was one of the cover officers. On Rice's arrival, it was obvious that Patterson and Malec were arguing whether the elements of theft were present. Malec felt that they were and Patterson did not. Rice said that Malec left the area "pretty agitated". Rice said that he didn't have all the details of the call, but felt the elements of theft were in fact present. Since that time, he has noticed on going tension between the Malec and Patterson. He said that Patterson never discussed Malec or the situation with him and is not aware of Patterson having issues with any other members of the team.

Rice said that he believed that the incident at Target was one time when Patterson was making the case to the reporting party that a theft was not completed. Rice said the suspect had the store property (a bag of chicken and something else) on him at the time. It was obvious to him that a theft had been committed. He doesn't recall any other time when Patterson might have tried to persuade a reporting party that a theft had occurred. However, he does recall Patterson being "extremely agitated" and acting as if the call was wasting his time. Officer Rice said that Officer Patterson would make comments to him, such as him not understanding why they had to take a theft report.

On Sundays, as a "David Unit", Rice said he and Patterson would usually start their shift at the north end of the city and then head south. He said that Patterson would always go south into Oakland and spend "a significant amount of time" there. He said Patterson liked to talk with people on the street and it was obvious that Patterson knew them or talked with them at other times, when they were not doubled up. Officer Rice said that he personally preferred to stay within the city limits when making contacts with people.

I asked Officer Rice if he was aware of a policy regarding officers leaving the City limits; and he said no. He went onto explain if he were to leave the City it would be to familiarize himself with parts of Oakland which about Emeryville. He would do this so in case a car chase was to take place he would know where he was. He said that he would only notify his supervisor when he went more than just a couple blocks out of the City. I presented a copy of Emeryville Policy Section 426 (Exhibit 8) regarding police activity outside of the city and he maintained that he was not aware of the policy.

Commander Quan asked how far he and Patterson would travel into Oakland. He responded saying that it was more than just a couple of blocks. Rice said that he believes the farthest they had traveled was around the area of 30th Street. It was basically the same patrol pattern each time they left the City. He described the borders of the area of Oakland that they would drive through as being between San Pablo Avenue and Adeline Street; and as far south as the area around 30th Street.

Commander Quan asked Officer Rice to expound on his comments regarding the types of people Patterson would engage in conversation. He said transients and as for the women, he said appeared to be prostitutes. Rice said that the conversations were basically casual in nature; a conversation you

would have with a friend, such as "Hey how are you doing?"; "Where have you been?"; "What have you been up to?" He said it was obvious to him that Patterson had prior contacts with the individuals.

Officer Rice said that Patterson had made a comment to him at one time about developing informants, but he was confused how people in Oakland would be able to provide Patterson with information regarding Emeryville. He never heard Patterson speak to the individuals about crime in Emeryville. He said that Patterson never got out of the car and the conversations were always brief and casual. Rice told us that he couldn't understand why if Patterson wanted to develop informants or learn of issues in Emeryville, why he wouldn't do so within Emeryville's city limits. He had never questioned Patterson as to exactly what he was attempting to accomplish in Oakland.

Officer Rice said that he had heard from other police officers, that the area Patterson frequented in Oakland is known for drugs and prostitution. He is certain that Patterson is aware of this information as well. He went on to explain that 98 percent of the people Officer Patterson spoke with were females; whom Rice believed to be prostitutes. The women immediately recognize Patterson, calling him by his last name. Rice said he always thought it was strange and often wondered if Patterson had ever obtained any beat information from them when he wasn't present. Officer Rice said that to the best of his knowledge, Patterson never shared any information that he might have obtained with other officers.

I asked if Officer Patterson had ever shared information regarding information that he had obtained regarding a kidnapping suspect vehicle that had been pursued by BART police. He said that he had not and if he were the one with that information, he would certainly put it out over the radio right away.

I asked Officer Rice if he was aware that when assigned as a "David Unit", that he and Patterson would spend approximately 25 percent of their available time in Oakland. He told us that he believed that was accurate. He said on a couple of occasions he suggested to Patterson to go back to Emeryville and he would head back. At other times Patterson might just tell Rice that he wanted to see if a particular individual was out and continue to stay in Oakland. He told us that on many occasions, after returning to Emeryville to respond to a call for service, Patterson would drive directly back to Oakland.

I asked Officer Rice about a call on March 16, 2014, in which he and Patterson, as a David unit, were assigned to a theft at Marshalls. I told him that they were at San Pablo Avenue and 65th Street and went over a mile out of their way to get to the call. He said he couldn't recall the actual incident, but if that were the case he finds that to be strange that Patterson would have taken such a circuitous route. He said if it happened, he was sure that he was thinking to himself - why were they were taking that route. However he has never questioned Patterson about a route they've taken.

I then asked about another situation, when on March 23rd, Officer Patterson put them off on a 10-60W (security check on foot) at Doyle Street park, but they never exited the car. He said he did recall that situation and he remembered saying to Patterson, "If we are going to 10-60W, let's 10-60W". He said Patterson basically said okay. Rice said that he recalls Patterson putting them off on a 10-60W a couple of times when he has been with him and they never left the car. Commander Quan asked if he knew why Patterson put them out on a 10-60W at the park and Rice responded saying that he didn't know. He offered that perhaps Patterson "needed the stat".

Commander Quan and I asked Officer Rice if he recognized any of the names of the women listed in Officer Patterson's documents from his locker (Exhibit 1). He said only four were familiar to him, but he

didn't have any information regarding them. Those four names are: [REDACTED]
[REDACTED]

I then showed Rice photos of 17 women (Exhibits A - R) and asked if he recognized any of them. The photos were collected by Detective Krinsky. The photos were of women who were listed in the seized documents from Patterson's locker. Rice said that he may have recognized [REDACTED]. He definitely recognized the photo of [REDACTED]. He said that he believes the women are all prostitutes. He may have seen them in the area of 64th Street and San Pablo Avenue (north-west Oakland). Rice said that he doesn't recall Patterson making any stops in that area when they were a David Unit, but he has seen him speaking with prostitutes in that area when they were in separate cars.

I asked if he had ever heard Patterson describe any of the women by using the following: BB, BT, PF or H Ass (these initials were found next to the names of different women on the papers seized from Patterson's locker). Rice said he had never heard Patterson use those letters, but he did recall, on a couple occasions when Patterson would comment on some women's breasts or butt. He said one time he recalled Patterson saying that he wondered if a particular woman was around because she has "big tits". He said he thought it was "weird" that Patterson would be spending time looking for different prostitutes and make such comments; instead of patrolling Emeryville.

I asked Rice if Patterson had ever discussed having sexual relations with any of the prostitutes. He said that he had never shared such information with him. Although, he has commented on how pretty a couple of the women were.

Asked if he has ever witnessed Officer Patterson violating department policy, Officer Rice said that he had not other than when putting himself off on a 10-60W and driving by the location instead of getting out of the vehicle.

In closing the interview, I asked if Rice if he had any other information that he felt might be pertinent to the investigation. He said only that a couple of times when Patterson was covering him on a stop, he noticed that he was talking on his phone via Bluetooth. He said he thought that to be odd and felt he should have his entire attention focused on the situation that he was covering; not talking on the phone. A transcript of the interview is attached (Exhibit 79).

STATEMENT - SUBJECT OFFICER

Officer Joshua Patterson

On July 8, 2014 at 0840 hours, Commander Quan and I met with Officer Patterson and his representative, Justin Buffington, ESQ with the law firm of Rains Lucia Stern. I read Patterson an administrative admonition and a Miranda Admonition. Mr. Patterson refused to waive his rights, so I then read him the Lybarger Admonition, which compelled him to answer all of our questions. Finally, prior to beginning the interview, I read a list of pre-interview administrative statements, which covered many of his rights as they pertained to the interview as outlined in Government Code §3300-3313 and a statement as to Emeryville's position related to harassment, discrimination and retaliation. I closed the interview by reading him a final admonition. Officer Patterson signed and dated the different admonition forms. The original admonitions were attached to EPD IA 14-01. Copies of the admonitions are part of the attached transcript exhibit (Exhibit 80).

The interview in its entirety was audio recorded and transcribed. Due to the length of the interview and the size of the recording, the transcript has been divided into two separate documents. The first document (Exhibit 80A) includes the introduction of those present and the reading of all admonitions, with the exception of the closing admonition. With the exception of the admonitions, the first transcript addresses issues associated with the earlier investigation EPD IA 14-01. The second document (Exhibit 80B) continues with the questioning and Patterson's response as they relate to EPD IA 14-01. On page 25 of the first part of transcript A the investigative questions regarding EPD IA 14-01 are concluded and the investigation turns to the current investigation - EPD IA 14-02.

Due to time constraints and the desire to complete an analysis of the vehicle tracker information, it was determined to terminate the interview and reconvene at a later date. Since that time Officer Patterson has resigned, the investigation suspended and the follow-up interview did not take place. The following is a synopsis of the interview of July 8, 2014 as it pertains specifically to the issues and allegations of the current investigation.

I asked Officer Patterson to tell us his understanding of the department's policy regarding officers leaving the city limits while on duty. He told us, "I don't know what the policy is" but he stated that while in the field training program, all three of his field training officers encouraged him to take time and become familiar with the surrounding areas, especially when working swings or graveyard shifts. He said that way he would become familiar with the streets in case an incident required them to set a perimeter or chase a suspect out of the city.

I asked him if he had ever been told by a field training officer or supervisor that officers leaving the city limits were required to get authorization from a supervisor and advise dispatch. His response was qualified, saying "For being familiar with the area, no I have never been told that and I have never heard that." He went on to say that it was routine to patrol up and down San Pablo at night. As soon as he goes past 53rd Street he was out of the city (in Oakland by about three blocks). He went on to explain that he would usually turn around at 67th Street (the border of Oakland and Berkeley) and come back through. He said that officers are encouraged to make arrests, not for any particular violation; just make arrests. Since San Pablo Avenue is very active it is the best place to go for an arrest. When asked if he makes many arrests, he said that he makes a lot of stops, arrests and conducts probation searches.

In regards to the southern end of the City, Officer Patterson said that he and the other officers would turn around after leaving Emeryville at about 31st Street or 32nd Street in Oakland (four or five blocks into Oakland).

I told Patterson that on February 2, 2014 he was seen in Oakland for a period of time between 1600 and 1700 hours in the area of 30th and Myrtle Streets. He responded quickly in a matter of fact tone, "30th and Myrtle - handing out stickers to kids." I asked him why he would be handing out stickers to children in Oakland and he replied, "Because that's where there's kids at." [sic] He said that is why he has stickers; to give them to kids and he doesn't discriminate whether the kids are in Emeryville or Oakland.

I told him that the department had received information that he was seen in the area of 30th and Myrtle, standing outside of his patrol vehicle speaking with two known prostitutes and that there were no children present. He said that he doesn't recall the incident and went onto tell us that he makes it a point to talk to a lot of people. He credited Chief James with instilling in him that it was a priority that Emeryville officers get out of their vehicles, talk with people and be approachable. He said it is one of

the things that bring him "the most joy" – talking with people who won't talk to the police or who hates them.

I asked if either of the names [REDACTED] [REDACTED] were familiar to him and he replied that he didn't think so. I showed him a photograph of [REDACTED] and about a half a minute later, he said that he thought that the photo was of [REDACTED] who was arrested by Officer Malec (Event 1401-2733). He told us that he believed that the arrest was for possession of drugs. I had Officer Patterson date and sign the photo (Exhibit 53). I asked if he was aware that [REDACTED] has been arrested for prostitution. He said he was not and went on to say that he believed on February 2nd, [REDACTED] was talking to him about her arrest by Malec. He continued to say that he believes she mentioned that she is from that area and had been there all her life. When asked how well he knows [REDACTED] he said that he has only spoken with her "a handful of times" and that he would just make small talk with her.

I asked him if he recalled seeing another woman with [REDACTED] when he spoke with her on February 2nd. I asked if he knew a [REDACTED]. He stated that he didn't know her and didn't recall if she was present when he spoke with [REDACTED] or not. I showed him a CA DMV photo of [REDACTED]; he said he couldn't say if he knew her.

When I explained that the witness had stated that he was overheard having an inappropriate conversation with the women and hugging them, he stated that he didn't remember hugging either woman. I asked if he has hugged others and he said that he has not. However, he said if he did hug the women it would have only been a friendly gesture and to tell them to be careful. Patterson said that he doesn't know that the women are prostitutes. Further he told us, that if he did hug them he doesn't see how that would be inappropriate; especially in the middle of the afternoon on a Sunday.

When asked about his relationship with [REDACTED] he said he just sees her on the street. He denied having any personal or sexual relationship with either [REDACTED]

Commander Quan proceeded with questioning Patterson, transitioning to the day of his being placed on paid Administrative Leave, specifically about the search of his locker. She informed him that among the items seized, several 3x5 cards and a small note pad were taken. Quan showed him seven photocopied pages depicting the 3x5 cards and a page from the small note pad (Exhibit 1). She asked him if the information on the cards and note pad was written by him. He said that he did not write all of the entries. He went through the seven pages of photocopies and marked in blue ink only one entry indicating that it was not his handwriting. Patterson said that the purpose of the cards was to document information that he may have needed for reports or simply to jog his memory as to the identities of the women should he run across them on the street. We asked Officer Patterson to review each page and provide us with an explanation of each entry. As reviewed the photocopies, he orally identified a couple other entries as not being written by him. The following identifies each page of the exhibit and Patterson's comments regarding the different entries.

Exhibit 1 Photocopy Page 1

Top left - He indicated that a drawing of what appears to be two chevrons were representative of a tattoo he had seen on the street. He may have drawn it so that he could attempt to determine its significance.

He didn't know why he had written the name [REDACTED], a phone number or what appears to be a driver's license number.

Bottom left – [REDACTED] Patterson said that he saw her walking late at night and he stopped her and asked if she was alright and that the area she was in was not safe. He said he asked if she needed a ride and after approval from the sergeant he drove her to BART. He said this was around Easter (4/20/2014). Officer Patterson said upon arrival at the BART station the woman gave him the card. He said that apparently she was a prostitute and he wasn't sure why she was trying to solicit him.

Top right – There were eight names of females in a list, an eighth was lined out. The names had one or more numbers and/or letters next to them. It was determined that most of the numbers were either dates of births or telephone numbers. There was a California driver's license number next to the name [REDACTED] and a PFN (Personal File Number) next to the name [REDACTED]. In addition Patterson had written letters next to several of the names that appeared to be a form of shorthand or code. The letters are **BB**, **PF**, **NT**, and **H ASS**. It is believed that the shorthand/codes were a method used to identify physical features of the different women. When asked what the letters represented Patterson stated that he didn't recall.

The names on the list are [REDACTED]. A name had been lined out and reads [REDACTED]. The last name is illegible.

The name [REDACTED] has a telephone number next to it, which is the same number as two other entries. The first of the two is found on the same page of the exhibit and is listed under the [REDACTED] [REDACTED] (see above reference). The second additional entry is found on page 2 of the exhibit, written by Patterson; below the phone number is the name [REDACTED]. The telephone number belongs to [REDACTED] the woman used by the department in the decoy operation referenced earlier in the investigation. The dates of the operation were April 18th and again on April 24, 2014.

Next to [REDACTED] and the phone number on page 1 are the letters "H ASS". Officer Patterson said that he started to compile the list about two years ago. However, he couldn't recall when the most recent entry was made. He said that he hadn't used the list for quite a while. This particular entry is the last on the list and would appear to have been written on or after one of the dates of the decoy operation that took place less than 3 months prior to Patterson's interview.

Bottom right - He said he didn't recognize what the notes were from, but later in the interview stated that the notes [REDACTED] 6200 SAN was made when he returned a bicycle to a woman whose husband was riding the bicycle. Officer Rice arrested the man.

Exhibit 1 Photocopy Page 2:

Top left - He didn't recall why he had written any of the information: [REDACTED]
[REDACTED]

Top right – Another list of eight females, with phone numbers, addresses, dates of births, driver's licenses and the shorthand identified earlier. Patterson said that this information was part of the list he started two years ago and he still had no recollection of what the shorthand represented.

The names on the list are: [REDACTED]
[REDACTED] Later in the interview, Patterson stated that he started list people he met on the street after meeting [REDACTED] and Dean; who are the first two names on this list.

Bottom right – [REDACTED] - He stated that he didn't know why he had collected her information. Below are a telephone number and license number with the words Enterprise Rental. Again he said he didn't know why he had written the information down.

Exhibit 1 Photocopy Page 3

Top left – Two names with 242 written next to them - [REDACTED] and [REDACTED]. He said he believed that it must have been information for a battery report.

Top right – [REDACTED] [REDACTED] with a driver's license number a date of birth and 1000.00 - He said it was just a name and a driver's license number

Below the name is his password for the department computer system (Alliance) – He wrote it down so that he wouldn't forget it.

Bottom left – [REDACTED] - He said he was not sure why he had written it.

Bottom right – [REDACTED] - He stated that he didn't recall what prompted him to write this name down.

Berkeley pursuit [REDACTED] was written below [REDACTED] name – Patterson said the information was received from a Berkeley officer regarding a subject who had fled from BPD in the past.

Exhibit 1 Photocopy Page 4

Top right – He said was the entries were a name of a company that makes rifles and titles of books he wanted to obtain.

Bottom left - above the line, he said he couldn't make out his writing. Under the line he said it appears to be notes from a DUI evaluation.

Bottom right – He stated that it appeared to be more notes made during a DUI evaluation – pre-interrogation questions.

Exhibit 1 Photocopy Page 5

Top left – REACH card with the name [REDACTED] – He said it appears to be a lost prevention card from a store.

Bottom left – driver's license, address, telephone number, date of birth and a physical description – he said that he didn't know what it is for, but the numbers to the lower right were related to his next step increase.

Exhibit 1 Photocopy Page 6

Bottom right – Copy of a name, [REDACTED] with a date of birth, telephone numbers and KFC – he said the entry is very old. He stopped using the small notebook shortly after beginning the Field Training Program. He did state that the entry may be information regarding a robbery.

Exhibit 1 Photocopy Page 7

The only entry on page 7 is a phone number and the handwritten name of [REDACTED]. He said it was the same name as found on page 5 upper left.

In an attempt to explain the list of females, Patterson told us that about two years ago, he and Officer Malec lost a car in a pursuit. He recalled that a few weeks later that he saw a woman sprinting across the street and he stopped to ask her if she was alright. The woman responded that she was fine and asked him if he had caught the guy he was chasing. She told him that the car that it was nearby. He said that he asked the woman why she was providing him with that information and was told that a cop never stopped to ask if she was alright or needed assistance. He said she was the first person he had contacted and thought that if he could establish a rapport with others, he could obtain "beat information". So that woman was the first name on the list. He later said that [REDACTED] was the woman who he spoke with, who is actually listed second on page 2 of the exhibit.

Patterson said that he didn't necessarily share the "beat information" with other officers. He said he would only if they needed the information or if they asked for it. However, he admitted that he didn't know if any of his peers or sergeants knew of his list. Commander Quan asked why he didn't put the information on a field contact card and he indicated that running them for warrants and the like would take away from his rapport building.

Patterson told us that about half of the contacts on his cards were made within the city limits. The others he said, he would guess came from outside the city on San Pablo Avenue. When asked how far outside the city limits he would travel when "in 10-8 status" (available for assignment) he said, he would normally drive on San Pablo Avenue to Hollis/65th/67th Streets. If nothing was going on he would go as far as 30th Street in Oakland to the south. Patterson changed his statement as far as it related to this question a few more times as the interview continued. At one point he said that the farthest he has gone when in "10-8 status" was 32nd Street. Later Commander Quan asked again and he replied that he has been as far as Ashby to the north and Mandella to the mid 20's Streets in Oakland (south). He said would then come back around to San Pablo Avenue. Finally, he said that he has been as far as West Grand when traveling on Mandella. At that location West Grand is between 20th and 24th Streets in Oakland. Once the tracker documents had been reviewed it was determined that Patterson had been on W. Grand in Oakland on numerous occasions often arriving from San Pablo Avenue, well east of Mandella.

Quan presented photographs, criminal histories, and copies of photographs from Myredbook accounts of many of the women found on the documents from Patterson's locker. The documentation presented by Commander Quan was information compiled on 18 women (Exhibits A – R). The following are Patterson's responses to questions asked by Commander Quan regarding the information presented:

Exhibit A - [REDACTED]

On Patterson's notes Coffee was the first name on list of names on Exhibit 1 page 1. Patterson stated that he didn't recognize Coffey.

Exhibit B - [REDACTED]

Paterson said he recalled contacting [REDACTED] a few times, usually around 64th and 65th Streets and San Pablo Avenue. He said he has had eight to ten contacts with her and that the last time he saw her was about six or seven months ago. He explained that he would see her on the street late at night and just stop to talk to her. He couldn't recall if she has ever provided him with any "beat information".

He said that he was sure that she was a prostitute, but that he has never seen her engaging in that activity himself. He went onto say that once in a while the women on the list would become comfortable with him and tell him that they were prostitutes. He said that he never thought to create field contact cards.

Exhibit C - [REDACTED]

He has stopped five or six times in the past and she frequents San Pablo Avenue. He claimed to not know of her criminal history, but assumed she was a prostitute. [REDACTED] is listed on page one and three of the photocopies. Patterson claimed that he couldn't recall why he had her name written twice.

Exhibit D - [REDACTED]

Patterson said he did not recognize her.

Exhibit E - [REDACTED]

Although Patterson said he didn't recognize [REDACTED] he did say he knows a woman who goes by the moniker of [REDACTED]. However, the photos don't look like the woman he knows. When looking at the attached Myredbook pages, he said that it may be the same person. He had no idea that she had a criminal history.

He recalled making contact with her in the 4700 block of San Pablo Avenue. He said he has had only two or three contacts with her. He said they having lengthy conversations. In response to the question if he had ever had [REDACTED] in his patrol car he said he had not and he did not recall ever transporting her anywhere. He then said that he might have had her get into his patrol car to get warm on a cold evening. He said he didn't put it out on the air or get permission from his supervisor; she was only in his car five to ten minutes.

[REDACTED] he told Captain Diotalevi and Detective Krinsky that she had only spoken with Patterson on one occasion; around the middle of April 2014. She said that the encounter involved her receiving a ride in the backseat of Patterson's patrol car. She had fallen to sleep and he drove her around for about an hour. When she woke up she asked him what he was doing and he told her that he didn't want to wake her. She had him drop her off at McDonalds. She claimed that Patterson asked her for a hug when she got out of the vehicle. He also asked for her phone number, which she gave to him, but he has never called or texted.

Commander Quan asked if he pat searched her before letting her into the car. He said that he asked her if she had any weapons on her, but didn't recall if he pat searched her.

Exhibit F - [REDACTED]

Officer Patterson said that he has had only one contact with [REDACTED] and it was around 60th Street, but he only knows her by her first name. He didn't know of her history of prostitution. He has never propositioned her, taken her to a motel or given her any money.

Exhibit G - [REDACTED]

Patterson's list on page one of the photocopies had three asterisks with a phone number, PF, NB, NT and 34th St written next to them. Detective Krinsky found the photographs on Myredbook through the phone number. There is nothing with the photos that provides the woman's true identity. Patterson told us that he didn't know why he would have only a phone number and he does not recognize the woman in the pictures.

Exhibit H - [REDACTED]

Patterson has the name [REDACTED] written and underlined on his list on the first page of Exhibit 1; with a phone number and H ASS written next to it. Commander Quan asked him what H ASS stood for and he again stated that he didn't know. He said apparently ASS was ass, but he doesn't know why he would write that on the card.

He recalled giving [REDACTED] a ride to BART. He said he believed it was around Easter (April 20, 2014). He said he had only one contact with her. He said he remembers that she looked like she was a normal girl wearing an Easter Dress. It was late at night and he saw her on San Pablo Avenue. He stopped and asked her if she was alright and then obtained permission from the sergeant to give her a ride to BART. Once at BART, she asked for a piece of paper and she wrote [REDACTED] with a phone number; the same number listed next to [REDACTED]. He claimed to be surprised when she gave him the paper; he didn't think she was a prostitute.

Commander Quan asked him if he had ever made remarks about her breasts or her butt. He replied that he had not. She asked about talking with her about sex and he said that he did not have a conversation with her about sex.

[REDACTED] is the prostitute who was used in an undercover decoy operation run by Captain Diotalevi. She was placed on San Pablo Avenue on April 18th and April 24th. Each day, Officer Patterson stopped, spoke with her and had her in his vehicle. The conversations were overheard by several detectives and they indicated that Patterson did speak to [REDACTED] about her physical attributes and the price of sex.

Exhibit I - [REDACTED]

Officer Patterson stated that he did not recognize the woman pictured nor did he recall having any contact with her. He said he could not recall how long it had been since he had written her name in his note cards.

Exhibit J - [REDACTED]

[REDACTED] name and [REDACTED] are underscored on Patterson's list (page 2 of Exhibit 1). He immediately recognized [REDACTED] photo and told us that the reason he had underlined [REDACTED] and Palmore's names was because they told him they were prostitutes ("Bs" is written near [REDACTED] name on his list). Patterson said that he has the most contact with the two women and they are his biggest resources for beat information. He has contact with them five or six times a month.

Exhibit Q - [REDACTED]

The phone number listed on page 1 of Exhibit 1 led to the identity of [REDACTED]. When asked if he recognized her, Patterson said that he had returned her daughters bicycle. Her father was riding the bike when arrested by Rice. He said that the arrestee told him that he recognized Patterson as an officer who gives his children stickers.

Exhibit R - [REDACTED]

[REDACTED] name was written on the small notepad. Patterson said he hasn't used the notepad since he was in the FTO program. He said he didn't recognize her photograph and had no idea why he would have her information written down.

Commander Quan produced information regarding the field interview/contacts that Patterson has entered into the department records, the reports he generated and the arrests he documented between October 1, 2013 and May 31, 2014 (Exhibit S). When she asked why none of the women listed on the documents from his locker were found in department records associated with his police activity, Patterson said the contacts and notations he made were more for personal information than departmental use.

She asked if he had ever run criminal history checks on any of the woman he has listed and he replied that he did not. He went on to say that he isn't very good at running CRIMS.

Patterson denied contacting any of the women off duty. He said when flagged down, most of the time he doesn't advise dispatch. He said he doesn't know if he is required to advise dispatch or not.

FINDINGS

Emeryville Police Department Policy Manual

1. Officer Patterson failed to perform his fundamental duty of serving the community. Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics: SUSTAINED**

There are multiple allegations in which Officer Patterson failed to perform his fundamental duty, most tend to do with his absence from the city while on duty. There is evidence which would support many if not all of the allegations, however due to the suspension of the investigation and the unavailability of Officer Patterson to address each allegation I can only make a finding on **one** allegation; the initial allegation raised by [REDACTED]. That allegation is sustained.

On February 2, 2014, Officer Patterson was seen outside his vehicle at 30th and Myrtle Streets in the City of Oakland speaking with and hugging two known prostitutes. His watch commander was unaware of his leaving the City and there is no record that which would indicate that Patterson had advised anyone he was outside the City limits speaking with the two women. When questioned about this incident, Patterson immediately stated that he was handing out stickers to kids in the neighborhood. He later said that if the incident did occur as stated, he didn't recall the encounter. Nonetheless, he told the investigators that he believes he would have only been acting on the direction of Chief James, who he claims, told him it was a priority that Emeryville officers get out of their vehicles, talk with people and be approachable. He also

stated that he was doing as his three field training officers, from two years prior had told him when he first started with Emeryville. He said that he was told to venture outside the City limits so as to become familiar with the surrounding areas in case he needed to advise dispatch and fellow officers where he was should he pursue someone out of the City. It was clear that during the interview Officer Patterson continually took direction from the chief and others in positions of authority out of context to validate his actions.

2. Officer Patterson failed to behave in a manner that does not bring discredit to him or the agency.

Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics: SUSTAINED**

As with the previous policy there are multiple allegations. It is alleged that Officer Patterson behaved in a manner that brought discredit to him and the department. Again, there is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings on **three** which were raised during his interview on July 8, 2014. Each of those allegations is sustained.

The initial complaint from [REDACTED] and the subsequent interviews of [REDACTED] and their neighbor [REDACTED] each spoke about how disappointed and dismayed at Patterson's behavior/actions on February 2, 2014. It is clear that Patterson has caused members of the public to hold an unfavorable opinion on the Emeryville Police Department and in particular Officer Patterson himself. At no time during the interview, did Patterson demonstrate any remorse or an understanding of how his actions appeared to the general public. At one point he told investigators that he didn't see anything wrong with hugging the two women. [REDACTED] informed Sergeant Lee that she can no longer look at a police officer with respect since seeing and overhearing Patterson on the 2nd.

On April 19, 2014, Officer Patterson made crude and explicit comments on the physical attributes of [REDACTED], a female prostitute who was part of a department decoy operation. He additionally inquired about what [REDACTED] charged for sex, intimating that he was interested in having sex with her. His comments were overheard by several police officers and relayed by the woman during a debriefing of the events. His actions and comments not only violated this policy, but bordered on sexual harassment/discrimination.

On April 24, 2014, Officer Patterson spoke to [REDACTED] about the price of sex and insinuated that he was interested in participating in sex with her but not at that time.

3. Officer Patterson failed to be honest in thought and deed in his official life. Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics: SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson failed to be honest in thought and deed in his official life. Again, there is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings on **five** which were raised during his interview on July 8, 2014. Each of those allegations is sustained.

It is my opinion that Officer Patterson was not truthful when answering several questions regarding his actions and behaviors. Specific incidents, in which he had an opportunity to speak to, are:

- The February 2, 2014 meeting with two prostitutes in Oakland - he told investigators that he didn't recall the incident.
- He told investigators during the July 8th interview that the furthest south he had traveled out of Emeryville while in 10-8 status was 30th Street. He changed his statement at least an additional three times.
- His statement to investigators that he never commented on [REDACTED] physical attributes was not true.
- His statement to investigators that he never spoke with [REDACTED] about sex. His comments were overheard by several officers.
- He stated he did not recall what the shorthand meant that was found on the documents recovered from his locker. The shorthand codes were used with some of his earliest contacts and continued to be used throughout the following time period. One of the last uses of the code was on or around April 24th just 11 weeks before his interview regarding this matter.

4. Officer Patterson failed to be exemplary in obeying the regulations of the department. Violation of Emeryville Police Department Policy – **Law Enforcement Code of Ethics: SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson failed to be exemplary in obeying the regulations of the department. Again, there is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings on allegations which were raised during his interview on July 8, 2014. In this investigation there have been 20 allegations classified as sustained. Clearly since Officer Patterson has been found to be in violation of the other policy and rule sections, he has failed to be exemplary in obeying the regulations of the department.

5. Officer Patterson failed to notify the on duty watch commander and/or dispatch that he was outside the city limits of Emeryville on multiple occasions. Violation of Emeryville Police Department Policy § 426.1.2 - **Law Enforcement Activity Outside the City: SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson failed to notify the on duty watch commander and/or dispatch that he was conducting law enforcement activity outside the City. There is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings on **one** which was raised during his interview on July 8, 2014. That allegation is sustained.

On February 2, 2104 when Officer Patterson was seen in Oakland at 30th and Myrtle Streets, he failed to notify the on duty watch commander and/or dispatcher that he was outside the city limits of Emeryville. He informed the investigators that he was not aware of any policy requiring him to obtain authorization or advise dispatch of his leaving the city limits. Per the Emeryville Department Policy § 106.01 and the Manual of Rules § 02.00 all employees are to conform to

the provisions of the policy manual and the provisions contained in the Manual of Rules. The Emeryville Police Department makes its policies and procedures available to its entire staff.

6. Officer Patterson failed to record his daily activity through the use of voice transmissions. Emeryville Police Department Policy § 448.2.2- **Documentation of Activity: SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson failed to record his daily activity through the use of voice transmissions. There is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings on that which was raised during his interview on July 8, 2014.

Officer Patterson told the investigators that he does not always notify dispatch when he is flagged down. It is obvious that he has violated this policy many times, however it is impossible to determine just how many times that is and we were not able to speak to him about all of the allegations that we are aware of due to the suspension of the investigation.

7. Officer Patterson failed to change status on multiple occasions. Emeryville Police Department Policy § 448.2.3 **Status Changes: SUSTAINED**

As with many of the previous policies there are multiple allegations. It is alleged that Officer Patterson failed to change his status on multiple occasions. There is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings on that which was raised during his interview on July 8, 2014.

Officer Patterson told the investigators that he does not always notify dispatch when he is flagged down. It is obvious that he has violated this policy many times, however it is impossible to determine just how many times that is and we were not able to speak to him about all of the allegations that we are aware of due to the suspension of the investigation. However, we know that he did not advise dispatch that he was out of the City and his vehicle on February 2, 2014, which is a violation of this policy and supports the finding of sustained.

Emeryville Police Department Manual of Rules

8. Officer Patterson failed to conduct himself in a manner as to reflect favorably upon himself, the City, the Department and the police service. Violation of Emeryville Police Department Manual of Rules § 5.01 – **General Conduct: SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson failed to conduct himself in such a manner as to reflect favorably upon himself and the City, the Department and the police service. There is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings on **three** which were raised during his interview on July 8, 2014. Each of those allegations is sustained.

The initial complaint from [REDACTED] and the subsequent interviews of [REDACTED] and their neighbor [REDACTED] each spoke about how disappointed and dismayed at Patterson's

behavior/actions on February 2, 2014. It is clear that Patterson has caused members of the public to hold an unfavorable opinion on the Emeryville Police Department and in particular Officer Patterson himself. At no time during the interview, did Patterson demonstrate any remorse or an understanding of how his actions appeared to the general public. At one point he told investigators that he didn't see anything wrong with hugging the two women. [REDACTED] informed Sergeant Lee that she can no longer look at a police officer with respect since seeing and overhearing Patterson on the 2nd.

On April 19, 2014, Officer Patterson made crude and explicit comments on the physical attributes of [REDACTED] a female prostitute who was part of a department decoy operation. He additionally inquired about what [REDACTED] charged for sex, intimating that he was interested in having sex with her. His comments were overheard by several police officers and relayed by the woman during a debriefing of the events. His actions and comments not only violated this policy, but bordered on sexual harassment/discrimination.

On April 24, 2014, Officer Patterson spoke to [REDACTED] about the price of sex and insinuated that he was interested in participating in sex with her but not at that time.

9. Officer Patterson treated a citizen with discourtesy and disrespect. Violation of Emeryville Police Department Manual of Rules § 05.02 – **Conduct Toward Others: SUSTAINED**

It is alleged that Officer Patterson treated a citizen, [REDACTED], with discourtesy and disrespect on two occasions. Each of **two** allegations is sustained.

On April 19, 2014, Officer Patterson made crude and explicit comments on the physical attributes of [REDACTED], a female prostitute who was part of a department decoy operation. He additionally inquired about what [REDACTED] charged for sex, intimating that he was interested in having sex with her. His comments were overheard by several police officers and relayed by the woman during a debriefing of the events. His actions and comments not only violated this policy, but bordered on sexual harassment/discrimination.

On April 24, 2014, Officer Patterson spoke to [REDACTED] about the price of sex and insinuated that he was interested in participating in sex with her but not at that time.

10. Officer Patterson was rude and used demeaning language when speaking with a citizen. Violation of Emeryville Police Department Manual of Rules § 05.04 – **Rude Conduct – Citizenry: SUSTAINED**

It is alleged that Officer Patterson was rude and discourteous to [REDACTED] on two occasions. Each of the **two** allegations is sustained.

On April 19, 2014, Officer Patterson made crude and explicit comments on the physical attributes of [REDACTED], a female prostitute who was part of a department decoy operation. He additionally inquired about what [REDACTED] charged for sex, intimating that he was interested in having sex with her. His comments were overheard by several police officers and relayed by the woman during a debriefing of the events. His actions and comments not only violated this policy, but bordered on sexual harassment/discrimination.

On April 24, 2014, Officer Patterson spoke to [REDACTED] about the price of sex and insinuated that he was interested in participating in sex with her but not at that time.

11. Officer Patterson engaged in sexual misconduct while on duty. Violation of Emeryville Police Department Manual of Rules § 06.01e - **Prohibited Activities while on duty: Sexual misconduct: NOT SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson had engaged in sexual misconduct while on duty with several prostitutes. The investigation disclosed that there is insufficient evidence to sustain the complaint or fully exonerate Officer Patterson.

12. Officer Patterson transported citizens in a department vehicle without first notifying the radio dispatcher of pertinent information on several occasions. Violation of Emeryville Police Department Manual of Rules § 08.05 - **Department Vehicles, Use: NOT SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson had provided transportation to female citizens on several occasions without first notifying the radio dispatcher of pertinent information. Again, there is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, which were raised during his interview on July 8, 2014; there is insufficient evidence to sustain the allegations or fully exonerate Officer Patterson.

13. Officer Patterson failed to report his status and location to the dispatcher at all times on multiple occasions. Violation of Emeryville Police Department Manual of Rules § 09.06 **Radio, MDT Discipline: SUSTAINED**

As with the previous policies there are multiple allegations. It is alleged that Officer Patterson had failed report his status and location to the dispatcher on multiple occasions. There is evidence which would support many if not all of the allegations. However due to the suspension of the investigation and the unavailability of Officer Patterson to address all of the allegations, I can only make findings associated with those for which I have specific information and to which Patterson had an opportunity to respond to during his interview on July 8, 2014. Therefor I find **one** allegation to be sustained.

On February 2, 2104 when Officer Patterson was seen in Oakland at 30th and Myrtle Streets, he failed to notify the on duty watch commander and/or dispatcher that he was outside the city limits of Emeryville. He informed the investigators that he was not aware of any policy requiring him to obtain authorization or advise dispatch of his leaving the city limits. Per the Emeryville Department Policy § 106.01 and the Manual of Rules § 02.00 all employees are to conform to the provisions of the policy manual and the provisions contained in the Manual of Rules. The Emeryville Police Department makes its policies and procedures available to its entire staff.

Additionally, during the interview, Patterson told investigators that he didn't always notify dispatch when he was flagged down and speaking with someone.

14. Officer Patterson failed to cover a fellow officer on a traffic stop. Violation Emeryville Police Department Manual of Rules § 12.13 – **Responding to Calls: EXONERATED**

Officer Salaiz alleged that on March 24, 2014 he saw Officer Patterson pulled to the side of the road speaking with a woman he believed to be a prostitute while en route to cover an officer on a traffic stop. Salaiz said that Patterson was closer to the traffic stop than he was and should have cleared to cover the officer. Additionally, Patterson had not advised dispatch that he was off with the woman.

Although this is not a specific call for service, it is understood that when an officer makes a traffic stop, the closest unit will respond as cover, if and when not assigned a call for service or on a traffic stop. Nonetheless, it is not in department policy or the Manual of Rules and therefore Patterson's actions are exonerated.

15. Officer Patterson failed to be truthful at all times whether under oath or not. Violation of Emeryville Police Department Manual of Rules § 13.05 – **Truthfulness: SUSTAINED**

During the interview of Officer Patterson on July 8, 2014, it is apparent that he was less than forthcoming with information and purposefully non-responsive to many of the questions asked by investigators. For all intents and purposes he was not truthful with many of his responses and in violation of Emeryville Police Department Manual of Rules. Examples of his failure to be truthful are as follows:

- His response that he could not remember what the shorthand codes on the documents found in his locker represented.
- His statement that he was never told to obtain permission or advise radio when he was leaving the city limits.
- His statements that he received beat information from the women he contacted on the street and whose information he maintained on the documents found in his locker.
- His statement that he never commented on [REDACTED] physical attributes or spoke to her about sex.
- His response to the questions regarding how far south he would travel outside the City when in 10-8 status.
- He stated that he had only one contact with [REDACTED], when in fact we know of at least two times within a week of one another.

Respectfully Submitted,



Michael Fraser